

DOCKET NO: 285753US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : EXAMINER: MIGGINS, MICHAEL C
BRUCE H BERSTED, ET AL. : GROUP ART UNIT: 1782
SERIAL NO: 10/568,692 : PATENT NO: 7,807,245
FILED: JULY 31, 2006 : ISSUED: OCTOBER 5, 2010
FOR: IMPACT-MODIFIED POLYAMIDE :
HOLLOW BODY

REQUEST FOR CERTIFICATE OF CORRECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The following is a Request for Certificate of Correction in Serial Number 10/568,692, now U.S. Patent Number 7,807,245.

The changes requested by the present Certificate of Correction represent a broadening correction of a clerical or typographical error. Specifically, the original claim 5 in the original specification (Appendix A) recited “at least one layer L1 comprises an aromatic polyamide obtained by the polycondensation reaction between hexamethylenediamine and a terephthalic/isophthalic/adipic acid composition where the mole ratio of terephthalic/isophthalic/adipic acids in said acid composition is 50 to 80/ from 10 to 40/ not more than 25.” However, in the preliminary amendment filed February 17, 2006 (Appendix B), the limitation from claim 5 was incorporated into claim 4, and the range of “from 10 to 40” was mistakenly changed to “from 10 to 10.” In the corresponding remarks section of said preliminary amendment no reason was given for said change. Furthermore, a review of the prosecution history of US 7,807,245 reveals that this range was not questioned by the

Examiner or relied upon for patentability by Applicant. In addition, a review of the available records by the undersigned show no reason for, or instruction to make, a change from “10 to 40” to “10 to 10.” Applicants further point to page 7, line 14, and page 8 line 5 of the specification which provides explicit support for the range of “from 10 to 40.” It is clear from the above noted disclosures of the specification that the change to “from 10 to 10” was a typographical error of minor character and was not intended by applicants.

35 U.S.C. §255 relates to a certificate of correction of applicant's mistake, and reads:

Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Director may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form.

As noted above it is clear from the above noted disclosures of the specification that the change to “from 10 to 10” was a typographical error of minor character and was not intended by Applicants. The correction of said error contained in a dependent claim would not constitute new matter as there is support in the specification (pg. 7. line 14 and pg. 8 line 5) and original claim 5. Furthermore, as claim 4 is a dependent claim and the limitation of “from 10 to 10” was not relied upon for patentability, correction of this typographical error will not require re-examination, nor is it believed to raise a new issue with respect to the scope and interpretation of the independent claims.

The Federal Circuit, in *Superior Fireplace Co. v. Majestic Products Co.*, 60 USPQ2d 1668 (CA FC 2001), interpreted §255 “to require that a broadening correction of a clerical or typographical error be allowed only where it is clearly evident from the specification,

drawings, and prosecution history how the error should appropriately be corrected.” In this case this standard is met as the error being corrected is a clerical or typographical error, and it is clearly evident from the specification and prosecution history of U.S. 7,807,245 how the error should be corrected.

Thus, and in accordance with the provisions of Rule 322 of the Rules of Practice, which implement 35 USC §255, the U.S. Patent and Trademark Office is respectfully requested to issue a Certificate of Correction in the above-identified patent.

In light of the fact that the errors were not the fault of the Patent Office, the required fee of \$100 is enclosed. The requested corrections are listed on FORM P.T.O. 1050.

Respectfully submitted,

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APPENDIX A

WHAT IS CLAIMED IS:

1. A hollow body comprising, as sole layer(s),
 - (1) at least one layer L1 comprising an aromatic polyamide and an impact modifier, and, optionally,
 - (2) at least one layer L2 comprising an aliphatic polyamide.
2. The hollow body according to claim 1, wherein said aromatic polyamide is a polyphthalamide.
3. The hollow body according to claim 2, wherein said hollow body comprises at least one layer L2.
4. The hollow body according to claim 1, wherein the impact modifier is selected from the group consisting of EPDM, SEBS, and mixtures thereof.
5. The hollow body according to claim 1, wherein at least one layer L1 comprises an aromatic polyamide obtained by the polycondensation reaction between hexamethylenediamine and a terephthalic/isophthalic/adipic acid composition where the mole ratio of terephthalic/isophthalic/adipic acids in said acid composition is 50 to 80/ from 10 to 40/ not more than 25.
6. The hollow body according to claim 2, wherein the polyphthalamide comprises from about 50 mole % to about 95 mole % hexamethylene terephthalamide units, from about 25 mole % to about 0 mole % hexamethylene isophthalamide units, and from about 50 mole % to about 5 mole % hexamethylene adipamide units.
7. The hollow body according to claim 1, wherein the impact modifier is a rubber.

8. The hollow body according to claim 7, wherein the rubber is a functionalized polyolefin-based rubber.

9. The hollow body according to claim 8, wherein the functionalized polyolefin-based rubber is a maleic anhydride functionalized styrene-ethylene-butylene-styrene block copolymer.

10. The hollow body according to claim 8, wherein the functionalized polyolefin-based rubber is a maleic anhydride functionalized ethylene-propylene-diene monomer rubber.

11. The hollow body according to claim 6, wherein the impact modifier is selected from the group consisting of a maleic anhydride functionalized ethylene-propylene-diene monomer rubber, a maleic anhydride functionalized styrene-ethylene-butylene-styrene block copolymer, and mixtures thereof.

12. The hollow body according to claim 1, wherein said layers are contiguous layers of the order $[(L1)_n/(L2)_m]^x$ where x is any integer of 1 or greater, n is any integer of 1 or greater, and m is any integer.

13. The hollow body according to claim 1, wherein said layer L1 further comprises an external lubricant.

14. The hollow body according to claim 13, wherein the external lubricant is selected from the group consisting of polytetrafluoroethylene, low density polyethylene, and mixtures thereof.

15. The hollow body according to claim 1, wherein said layer L1 further comprises a heat stabilizer comprising at least one copper (I) salt and at least one alkali metal halide.

16. The hollow body according to claim 15, wherein said heat stabilizer comprises at least one copper halide selected from the group consisting of copper iodide and copper bromide and at least one alkali metal halide selected from the group consisting of the iodides and bromides of lithium, sodium, and potassium.

17. The hollow body according to claim 1, comprising, as sole layer(s), at least one layer L1.

18. The hollow body according to claim 17, comprising, as sole layer, one L1 layer.

19. The hollow body according to claim 17, comprising, as sole layers, at least two L1 layers.

20. The hollow body according to claim 1, wherein said hollow body is a hose.

21. The hollow body according to claim 20, wherein said hose comprises all or part of a vapor return line or a liquid fuel line.

22. The hollow body according to claim 1, wherein layer L1 further comprises an anti-oxidant.

23. The hollow body according to claim 22, wherein said anti-oxidant is selected from the group consisting of hindered phenols, amines, and mixtures thereof.

24. The hollow body according to claim 1, comprising, as sole layers, at least one layer L1 and at least one layer L2.

25. The hollow body according to claim 1, comprising, as sole layers, one L1 layer and one L2 layer.

26. A fossil fuel powered device comprising the hose of claim 20.

27. The fossil fuel powered device of claim 26, wherein said fossil fuel powered device is an automobile.

28. A method for making a hollow body comprising, as sole layers,

(1) at least one layer L1 comprising an aromatic polyamide and an impact modifier, and, optionally,

(2) at least one layer L2 comprising an aliphatic polyamide, comprising extruding an aromatic polyamide and an impact modifier, and optionally extruding an aliphatic polyamide, through a die.

29. The hollow body according to claim 1,

wherein at least one layer L1 comprises an aromatic polyamide obtained by the polycondensation reaction between hexamethylenediamine and a terephthalic/isophthalic/adipic acid composition where the mole ratio of terephthalic/isophthalic/adipic acids in said acid composition is 50 to 80/ from 10 to 40/ not more than 25,

wherein the impact modifier is selected from the group consisting of a maleic anhydride functionalized ethylene-propylene-diene monomer rubber, a maleic

anhydride functionalized styrene-ethylene-butylene-styrene block copolymer, and mixtures thereof, and

wherein said hollow body is a hose.

30. The hollow body according to claim 1, which comprises, as sole layers, three layers of L1/L2/L1, wherein L1 is both the inner and the outer layer and L2 is the intermediate layer.

31. The hollow body according to claim 1, which comprises, as sole layers, two layers of L1/L2, wherein L1 is the inner layer.

32. The hollow body according to claim 1, which comprises, as sole layers, two layers of L2/L1, wherein L1 is the outer layer.

APPENDIX B

10/568682

IAP20 Rec'd 17 FEB 2006

DOCKET NO: 285753US0X PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

BRUCE H BERSTED, ET AL.

: ATTN: APPLICATION DIVISION

SERIAL NO: NEW U.S. APPLICATION
(BASED ON PCT/US04/24383)

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FILED: HEREWITH

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FOR: IMPACT-MODIFIED POLYAMIDE
HOLLOW BODY

:

PRELIMINARY AMENDMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Prior to examination on the merits, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Original): A hollow body comprising, as sole layer(s),

(1) at least one layer L1 comprising an aromatic polyamide and an impact modifier,

and, optionally,

(2) at least one layer L2 comprising an aliphatic polyamide.

Claim 2 (Original): The hollow body according to claim 1, wherein said aromatic polyamide is a polyphthalamide.

Claim 3 (Original): The hollow body according to claim 2, wherein said hollow body comprises at least one layer L2.

Claim 4 (Currently Amended): The hollow body according to claim 1, wherein the ~~impact modifier is selected from the group consisting of EPDM, SEBS, and mixtures thereof~~ ~~at least one layer L1 comprises an aromatic polyamide obtained by the polycondensation reaction between hexamethylenediamine and a terephthalic/isophthalic/adipic acid composition wherein the mole ratio of terephthalic/isophthalic/adipic acids in the acid composition is 50 to 80/ from 10 to 10/ not more than 25.~~

Claim 5 (Currently Amended): The hollow body according to ~~claim 2 claim 1~~, wherein ~~at least one layer L1 comprises an aromatic polyamide obtained by the polycondensation reaction between hexamethylenediamine and a terephthalic/isophthalic/adipic acid composition where the mole ratio of terephthalic/isophthalic/adipic acids in said acid composition is 50 to 80/ from 10 to 40/ not~~

~~more than 25 wherein the polyphthalamide comprises from about 50 mole % to about 95 mole % hexamethylene terephthalamide units, from about 25 mole % to about 0 mole % hexamethylene isophthalamide units, and from about 50 mole % to about 5 mole % hexamethylene adipamide units.~~

Claim 6 (Currently Amended): The hollow body according to ~~claim 1 claim 2~~, wherein ~~the impact modifier is a rubber the polyphthalamide comprises from about 50 mole % to about 95 mole % hexamethylene terephthalamide units, from about 25 mole % to about 0 mole % hexamethylene isophthalamide units, and from about 50 mole % to about 5 mole % hexamethylene adipamide units.~~

Claim 7 (Currently Amended): The hollow body according to ~~claim 6 claim 1~~, wherein the ~~impact modifier is a rubber is a functionalized polyolefin-based rubber~~.

Claim 8 (Currently Amended): The hollow body according to claim 7, wherein the ~~rubber is a functionalized polyolefin-based rubber functionalized polyolefin-based rubber is a maleic anhydride functionalized styrene-ethylene-butylene-styrene block copolymer or a maleic anhydride functionalized ethylene-propylene-diene monomer rubber~~.

Claim 9 (Currently Amended): The hollow body according to ~~claim 5 claim 8~~, wherein the ~~impact modifier is selected from the group consisting of a maleic anhydride functionalized ethylene-propylene-diene monomer rubber, a maleic anhydride functionalized styrene-ethylene-butylene styrene block copolymer, and mixtures thereof functionalized~~

~~polyolefin-based rubber is a maleic anhydride functionalized styrene-ethylene-butylene-styrene block copolymer.~~

Claim 10 (Currently Amended): The hollow body according to claim 1 claim 8, wherein the layers are contiguous layers of the order $[(L1)_n/(L2)_m]^x$, where x is any integer of 1 or greater, n is any integer of 1 or greater, and m is any integer ~~the functionalized polyolefin-based rubber is a maleic anhydride functionalized ethylene-propylene diene monomer rubber.~~

Claim 11 (Currently Amended): The hollow body according to claim 1 claim 6, wherein the layer L1 further comprises an external lubricant ~~the impact modifier is selected from the group consisting of a maleic anhydride functionalized ethylene-propylene diene monomer rubber, a maleic anhydride functionalized styrene-ethylene-butylene-styrene block copolymer, and mixtures thereof.~~

Claim 12 (Currently Amended): The hollow body according to claim 1, wherein the layer L1 further comprises a heat stabilizer comprising at least one copper (I) salt and at least one alkali metal halide ~~said layers are contiguous layers of the order $[(L1)_n/(L2)_m]^x$, where x is any integer of 1 or greater, n is any integer of 1 or greater, and m is any integer.~~

Claim 13 (Currently Amended): The hollow body according to claim 1, comprising, as sole layer(s), at least one layer L1 ~~wherein said layer L1 further comprises an external lubricant.~~

Claim 14 (Currently Amended): The hollow body according to claim 13, comprising, as sole layer, one layer L1 wherein the external lubricant is selected from the group consisting of polytetrafluoroethylene, low density polyethylene, and mixtures thereof.

Claim 15 (Currently Amended): The hollow body according to claim 13 claim 1, comprising, as sole layers, at least two L1 layers wherein said layer L1 further comprises a heat stabilizer comprising at least one copper (I) salt and at least one alkali metal halide.

Claim 16 (Currently Amended): The hollow body according to claim 1 claim 15, wherein the hollow body is a hose said heat stabilizer comprises at least one copper halide selected from the group consisting of copper iodide and copper bromide and at least one alkali metal halide selected from the group consisting of the iodides and bromides of lithium, sodium, and potassium.

Claim 17 (Currently Amended): The hollow body according to claim 16 claim 1, comprising, as sole layer(s), at least one layer L1 wherein the hose comprises all or part of a vapor return line or a liquid fuel line.

Claim 18 (Currently Amended): The hollow body according to claim 1 claim 17, comprising, as sole layer, one L1 layer wherein the layer L1 further comprises an anti-oxidant.

Claim 19 (Currently Amended): The hollow body according to claim 1 claim 17, comprising, as sole layers, at least one layer L1 and at least one layer L2 two L1 layers.

Claim 20 (Currently Amended): The hollow body according to claim 1, ~~wherein said hollow body is a hose comprising, as sole layers, one L1 layer and one L2 layer.~~

Claim 21 (Canceled): ~~The hollow body according to claim 20, wherein said hose comprises all or part of a vapor return line or a liquid fuel line.~~

Claim 22 (Currently Amended): The fossil fuel powered automobile comprising the hose of claim 16 and an engine hollow body according to claim 1, wherein layer L1 further comprises an anti-oxidant.

Claim 23 (Currently Amended): The hollow body according to claim 1 claim 22, wherein the at least one layer L1 comprises an aromatic polyamide obtained by the polycondensation reaction between hexamethylenediamine and a terephthalic/isophthalic/adipic acid composition wherein the mole ratio of terephthalic/isophthalic/adipic acids in the acid composition is 50 to 80/ from 10 to 40/ not more than 25.

wherein the impact modifier is selected from the group consisting of a maleic anhydride functionalized ethylene-propylene-diene monomer rubber, a maleic anhydride functionalized styrene-ethylene-butylene-styrene block copolymer, and mixtures thereof, and wherein the hollow body is a hose said anti-oxidant is selected from the group consisting of hindered phenols, amines, and mixtures thereof.

Claim 24 (Currently Amended): The hollow body according to claim 1, comprising, as sole layers, three layers L1/L2/L1, wherein L1 is both the inner and the outer layer and L2 is the intermediate layer at least one layer L1 and at least one layer L2.

Claim 25 (Currently Amended): The hollow body according to claim 1, comprising, as sole layers, one L1 layer and one L2 layer two layers of L1/L2, wherein L1 is the inner layer.

Claim 26 (Currently Amended): The hollow body according to claim 1, which comprises, as sole layers, two layers of L2/L1, wherein L1 is the outer layer A fossil fuel powered device comprising the hose of claim 20.

Claim 27 (Canceled).

Claim 28 (Original): A method for making a hollow body comprising, as sole layers, (1) at least one layer L1 comprising an aromatic polyamide and an impact modifier, and, optionally, (2) at least one layer L2 comprising an aliphatic polyamide, comprising extruding an aromatic polyamide and an impact modifier, and optionally extruding an aliphatic polyamide, through a die.

Claims 29-32 (Canceled).

Docket No.: 285753US0XPCT
Preliminary Amendment

REMARKS/ARGUMENTS

Claims 21, 27 and 29-32 are canceled.

Support for each amended claim is found in the originally filed claims and throughout the specification.

Upon entry of the amendment, Claims 1-20, 22-26 and 28 will be active.

No new matter is believed to have been added.

An action on the merits and allowance of the claims is earnestly solicited.

Respectfully submitted,

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,807,245
DATED: October 5, 2010
INVENTOR(S): Bruce H BERSTED, et al.

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 18, Line 14, Claim 2, "from 10 to 10" should read--from 10 to 40--

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